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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/613,004	07/10/2000	Richard D. Haney	PRC-001	9157
26717	7590	06/02/2005	EXAMINER	
RONALD CRAIG FISH, A LAW CORPORATION			ZIA, SYED	
PO BOX 820			ART UNIT	
LOS GATOS, CA 95032			PAPER NUMBER	

2131

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/613,004

Applicant(s)

HANEY, RICHARD D.

Examiner

Syed Zia

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 6-12, 14 and 15 is/are allowed.
- 6) ☒ Claim(s) 13, 16-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 03, 2005 has been entered and made of record.

Response to Amendment

This office action is in response to amendment filed on March 03, 2005. Original application contained Claims 1-5. Applicant previously cancelled Claims 1-5 and previously added new Claims 6-10. Applicant currently amended Claims 6-10, and added new claims 11-19. The amendment filed have been entered and made of record. Presently pending claims are 6-19.

Claim Rejections - 35 USC § 112

Applicant amended the claim 6. Therefore, previous rejection has been withdrawn.

Claim Objections

Claim 9 is objected to because of the following informalities: Extra "said" at the end of line 127. Appropriate correction is required.

Allowable Subject Matter

Claims 6-12, and 14-15 are allowed.

Response to Arguments

Applicant's arguments with respect to claims 6-19 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 13, and 16-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Provino (U.S. Patent No. 6,557,037).

3 With respect to claim 13, Provino teaches a method comprising:

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receiving composite AlterWAN packet comprised of an encapsulating IP packet having as its destination address an Internet Protocol address assigned to a firewall at said destination site and using said Internet Protocol address assigned to said firewall in the destination address field of said encapsulating IP packet to recognize said packet as a composite AlterWAN packet, said encapsulating IP packet including at its payload an encrypted IP packet having as its destination address an Internet Protocol address of a computing device at said destination site, said destination site being at an end of a private, wide area network using the internet as a backbone (hereafter referred to as an AlterWAN private tunnel) and reacting to recognition of said received packet as an AlterWAN composite packet by routing said composite AlterWAN packet to a firewall; in said firewall, decrypting a payload portion of said encrypted IP packet to generate a recovered IP packet, routing said recovered IP packet to a computing device to which said recovered IP packet is addressed (col.3 line 59 to col.4line 22, col.9 line 46 to aol.10 line 44, and col.15 line 21 to line 57).

4. With respect to claim 16, Provino teaches a method of operating a router at an ISX/ISP comprising the steps:

using said router to recognize AlterWAN data packets where AlterWAN data packets are defined as internet protocol packets which contain as a destination address one of one or more known IP addresses of computing devices at a source site or a destination site of a wide area network using the internet as a backbone;

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looking up routing statements that are applicable to said AlterWAN data packets and using said routing statements to route said AlterWAN data packets into a high bandwidth, low latency, low hop count data path coupling said source site to said destination site (col.3 line 59 to col.5 line 17, col.9 line 46 to col.10 line 44, and col.15 line 21 to line 57).

5. With respect to claim 17, Provino teaches a method of operating a router at an ISX/ISP comprising the steps:

using said router to recognize composite AlterWAN data packets where composite AlterWAN data packets are defined as internet protocol packets (hereafter the outer packet) which encapsulate other internet protocol packets (hereafter the inner packet), said inner packet having as its destination address one of one or more known IP addresses of computing devices at a source site or a destination site of a wide area network using the internet as a backbone and at least the payload section of said inner packet being encrypted, said outer packet having as its destination address an IP address of an untrusted side of a firewall at the same end of said AlterWAN data path as said computing device which has as its IP address said destination address of said inner packet, looking up routing statements that are applicable to said composite AlterWAN data packets and using said routing statements to route said composite AlterWAN data packets into a high bandwidth, low latency, low hop count data path coupling said source

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site to said destination site (col.3 line 59 to col.5 line 17, col.9 line 46 to col.10 line 44, and col.15 line 21 to line 57).

6. With respect to claim 18, Provino teaches a router at an ISX/ISP which is part of a private wide area network using the internet as a backbone, said router being conventional except that said router is coupled to a high bandwidth, low latency, low hop count data path and has been configured to contain routing statements that cause AlterWAN data packets to be recognized and routed into said high bandwidth, low latency, low hop count data path, where AlterWAN data packets are defined as internet protocol packets which contain as a destination address one of one or more known IP addresses of computing devices at a source site or a destination site of a wide area network using the internet as a backbone (col.3 line 59 to col.5 line 17, col.9 line 46 to col.10 line 44, and col.15 line 21 to line 57).

7. With respect to claim 19, Provino teaches a router at an ISX/ISP which is part of a private wide area network using the internet as a backbone, said router being conventional except that said router is coupled to a high bandwidth, low latency, low hop count data path and has been configured to contain routing statements that cause composite AlterWAN data packets to be recognized and routed into said high bandwidth, low latency, low hop count data path, where composite AlterWAN data packets are defined as internet protocol packets (hereafter the outer packet) which

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encapsulate other internet protocol packets (hereafter the inner packet), said inner packet having as its destination address one of one or more known IP addresses of computing devices at a source site or a destination site of a wide area network using the internet as a backbone and at least the payload section of said inner packet being encrypted, said outer packet having as its destination address an I P address of an untrusted side of a firewall at the same end of said AlterWAN data path as said computing device which has as its I P address said destination address of said inner packet (col.3 line 59 to col.5 line 17, col.9 line 46 to col.10 line 44, and col.15 line 21 to line 57).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Syed Zia whose telephone number is 571-272-3798. The examiner can normally be reached on 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SZ

May 16, 2005

